

STAFF REPORT

July 24, 2003

No. 03SV026 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code along the section line highway and Sheridan Lake Road

ITEM 26

GENERAL INFORMATION:

PETITIONER	Richard and Gladys Bray
REQUEST	No. 03SV026 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code along the section line highway and Sheridan Lake Road
EXISTING LEGAL DESCRIPTION	Lot B of Lot 3, Feay Reder Subdivision located in the NE1/4 Section 36, T1N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.89 acres
LOCATION	9470 Sheridan Lake Road
EXISTING ZONING	Suburban Residential District
SURROUNDING ZONING	
North:	General Agriculture District
South:	Suburban Residential District
East:	Suburban Residential District
West:	Suburban Residential District
PUBLIC UTILITIES	Septic Tank and Community Well
DATE OF APPLICATION	06/27/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code along the section line highway and Sheridan Lake Road be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment for the improvements.

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2. Upon submittal of a Preliminary Plat, a revised plat document be submitted showing an additional 17 feet of Right of Way along Sheridan Lake Road where it abuts the subject property.

GENERAL COMMENTS: The applicant has submitted a Variance to the Subdivision Regulations as outlined above. On July 7, 2003, the City Council approved Layout Plat #03PL061 to subdivide the subject property, a 2.89 acre parcel into two lots. One lot with the existing structure is proposed to be 1.75 acres in size and the other lot with the proposed structure is proposed to be 1.13 acres in size. The property is located on the north side of Sheridan Lake Road and west of Norseman Lane and Peregrine Point Place, approximately 922.1 feet.

STAFF REVIEW: During the review of the Variance to the Subdivision Regulations, staff identified the following considerations:

Sheridan Lake Road: As previously indicated, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, sewer and water and to improve pavement along Sheridan Lake Road as it abuts the subject property. Currently, these improvements do not exist along this portion of Sheridan Lake Road. During the review of the Subdivision Regulations Variance request, staff noted that the proposed flagpole lot abuts Sheridan Lake Road for a distance of approximately 25 feet. The lot with the existing structure abuts Sheridan Lake Road for 195 feet. The Rapid City Municipal Code states that sidewalks are required when the lot has a frontage less than two hundred feet per dwelling unit located on the lot. As such, a sidewalk along the south side of Sheridan Lake Road is required. However, the applicant is requesting a Subdivision Variance to waive the requirement to install the sidewalk at this time. Requiring these improvements would create a discontinuous sidewalk since no other sidewalks currently exist within the area.

The Engineering Division has also indicated that the existing ditches along this section of the roadway accommodate the drainage flows as needed. City sewer and water have recently been extended to the Red Rock Estates Subdivision located one-half mile northeast of the subject property. However, the Engineering Division has indicated that the subject property is outside of the existing City sewer and water service boundaries. To date, the network configuration for the future extension of water and sewer lines within this area has not been identified. In particular, the profile grades for trunk line extensions have not been determined making it difficult for the applicant to know the size and location of these utilities as they abut the subject property. As such, utility plans for the future extension of water and sewer to expand the boundaries of City services have not been designed making it difficult for the applicant to design or construct the improvements at this time. As such, staff is recommending that the Variance to the Subdivision Regulations as requested be approved with the stipulation that the applicant sign a waiver of right to protest a future assessment for the improvements.

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An additional 17 feet of right-of-way must be dedicated along Sheridan Lake Road. Sheridan Lake Road has been identified as a principal arterial street on the City of Rapid City's Major Street Plan. This designation requires a minimum 100 feet of right-of-way. Currently, the right-of-way width is 66 feet. Upon submittal of a Preliminary Plat, the plat document must be revised to dedicate an additional 17 feet of right-of-way for that portion of Sheridan Lake Road which abuts the subject property.

Section Line Right of Way: Section line highway abuts the rear lot lines of both proposed lots. The applicant is requesting a variance to waive the requirement to construct a section line highway including paving, curbing, guttering, constructing sidewalks, creating street light conduit, sewer and water in this portion of the section line highway. Staff notes that this portion of the section line highway services National Forest Property, and South Dakota Codified Law 31-18-3 does not allow the vacation of the section line highway adjacent to public lands. Currently, there are no improvements in the section line highway to the east or the west of the subject property. Due to the discontinuity, which would be created by requiring improvements to be made in the section line highway, staff supports the request to waive the requirement to make these improvements at this time.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the May 8, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.